

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF ISSAQUAH**

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| In the Matter of the Application of |) | No. PP18-00002 |
| |) | |
| Leo Suver, on behalf of |) | Tibbetts Crossing Preliminary Plat |
| Steve Burnstead Construction, LLC |) | |
| |) | FINDINGS, CONCLUSIONS, |
| <u>For Approval of a Preliminary Plat</u> |) | AND DECISION |

SUMMARY OF DECISION

The request for a preliminary plat to subdivide a 21.94-acre property into 20 single-family residential lots as a cluster housing development, with associated improvements, on the east side of the intersection of NW Talus Drive and Renton-Issaquah Road is **APPROVED**. Conditions are necessary to mitigate specific impacts of the proposed development.

SUMMARY OF RECORD

Meeting Date:

The Hearing Examiner held an open record hearing on the request on January 28, 2020. The record was left open until January 31, 2020, to allow the appeal deadline under the State Environmental Policy Act (SEPA) to pass. As detailed below, no further comments on the proposal were received following the hearing, and the SEPA determination was not appealed.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Valerie Porter, City Associate Planner
Denise Pirolo, City Development Services Senior Engineer
Lucy Sloman, City Land Development Manager
Leo Suver, Applicant Representative

Exhibits:

The following exhibits were admitted into the record:

1. Preliminary Plat Plans, revised November 18, 2019:
 - a. Title Sheet (Sheet C1.1 of 14)
 - b. Existing Conditions (Sheet C1.02 of 14)
 - c. Existing Conditions (Sheet C1.03 of 14)
 - d. Preliminary Plat Map (Sheet C1.04 of 14)
 - e. Composite Grading and Utility Plan (Sheet C4.00 of 14)
 - f. Preliminary Grading and Utility Plan (Sheet C4.02 of 14)
 - g. Preliminary Road Profiles (Sheet C4.21 of 14)
 - h. Preliminary Road Sections (Sheet C4.31 of 14)

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- i. Preliminary Tree Retention Plan (Sheet L1.01 of 14)
- j. Preliminary Landscape Plan (Sheet L2.01 of 14)
- k. Preliminary Landscape Schedule and Notes (Sheet L2.02 of 14)
- l. Preliminary Landscape Details (Sheet L2.31 of 14)
2. Project Narrative, received September 24, 2018
3. Land Use Application, dated August 24, 2018
4. Resolution No. 2016-20, passed December 19, 2016; Cluster Development Agreement Between the City of Issaquah and Silverado Senior Living Holdings, Inc., dated December 14, 2016
5. Mitigated Determination of Nonsignificance (MDNS), dated January 10, 2020
6. SEPA Environmental Checklist, dated December 13, 2019
7. Subsurface Exploration, Geologic Hazard, and Preliminary Geotechnical Engineering Report, Associated Earth Sciences, Inc., dated May 12, 2017
8. Preliminary Technical Information Report, Core Design, Inc., dated September 19, 2018
9. Critical Area Study & Buffer Mitigation Plan, Wetland Resources, Inc., revised July 11, 2019
10. Tree Report & Inventory, Lonnsen Arbor Care, dated November 9, 2019
11. Limited Scope Traffic Analysis, Transportation Engineering Northwest (TENW), dated September 5, 2018
12. Transportation Concurrency Certificate, dated May 1, 2019
13. Affidavit of Service of Mailing (Neighborhood Meeting), dated October 22, 2018
14. Affidavit of Service of Mailing (Application), dated November 19, 2018
15. Affidavit of Sign Installation (Public Hearing), dated January 11, 2020
16. Affidavit of Service of Mailing (Public Hearing), dated January 13, 2020
17. Notice for Publication in the *Issaquah/Sammamish Reporter*, published January 17, 2020
18. Written Comments:
 - a. Letter from Daniel Spiers, dated December 2, 2018
 - b. Email from Lauren Balisky, King County Department of Natural Resources & Parks, dated January 22, 2019
 - c. Letter from Matt Pommer, dated December 3, 2018
19. Staff Report, dated January 21, 2020
20. City PowerPoint Presentation, received January 28, 2020
21. Email from Connie Marsh, dated January 25, 2020

The Hearing Examiner enters the following findings and conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

Background

1. Under Issaquah Municipal Code (IMC) 18.07.420.A, “cluster housing” is allowed in areas throughout the city in order to achieve maximum allowable density on developable land while preserving critical areas and other pervious surfaces through lot-size

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reduction, to provide more common usable and native forested open space, to encourage affordable housing through the provision of smaller lots, and to provide a more efficient arrangement of structures for providing services and infrastructure. In addition, under IMC 18.07.420.C:

A Development Agreement must be approved by the City Council prior to or concurrently with a plat decision and/or other land-use decision located on commonly owned, contiguous parcels of land totaling five (5) or more acres of land. Upon City Council approval of a Development Agreement, the property's development shall be governed by the substantive provisions of the approved Development Agreement and implemented through subdivisions, short plats, binding site plans or other applicable permits in accordance with the procedures specified in the Development Agreement, or standard City procedures if none are specified in the Development Agreement. Any conditions or standards of approval for any subdivision, short plat, binding site plan or other permit or approval for the property shall use and incorporate the development standards set forth in the approved Development Agreement.

2. On December 19, 2016, the Issaquah City Council passed Resolution No. 2016-20, authorizing execution of the "Silverado Development Agreement" (DA), approving the subdivision and development of a 21.94-acre site into a maximum of 20 dwelling units, "with two parcels that will be set aside and dedicated to the City for future Affordable Housing units, a bridge, trail easements and Native Growth Protection Easements."
3. More specifically, the DA noted:
 - Two lots within the development would be dedicated and deed-restricted for affordable housing.
 - An open-space tract constituting of approximately 79.9 percent of the net site area would be preserved as a Native Growth Protection Easement (NGPE).
 - A recreational trail easement through the site would be conveyed to the City as part of the platting process, to be used as part of a regional trail system.
 - A bridge providing pedestrian and vehicular access would serve lots on the east side of Tibbetts Creek.
 - The project would vest to the development standards in effect upon execution of the DA or the submittal of a complete preliminary plat application.

Exhibit 4.

Application and Notice

4. Development is now being proposed for the property subject to the DA. Leo Suver, on behalf of Steve Burnstead Construction, LLC (Applicant), requests approval of a preliminary plat to subdivide the 21.94-acres into 20 single-family residential lots that

would include two affordable housing units, a tree-retention tract, an internal roadway with a bridge crossing, a public trail, landscaping, and stormwater, utility, and frontage improvements consistent with the DA. The property is located on the east side of the intersection of NW Talus Drive and Renton-Issaquah Road (SR-900).¹ *Exhibit 1; Exhibit 4; Exhibit 5; Exhibit 16; Exhibit 17; Exhibit 19, Staff Report, page 1.*

5. The City of Issaquah (City) determined that the application was complete on November 6, 2018.² The City mailed notice of the neighborhood meeting associated with the proposal to adjacent property owners and to parties of record on October 22, 2018; the meeting was held on November 5, 2018. On November 19, 2018, the City mailed notice of the application related to the proposal to property owners within 300 feet of the site and to the parties of record. On January 13, 2020, the City mailed notice of the public hearing associated with the development to adjacent property owners and to parties of record, and published notice in the *Issaquah/Sammamish Reporter* on January 17, 2020. In addition, Leo Suver, the property owner, posted notice of proposed land-use action on the property on January 14, 2020. *Exhibits 13 through 18; Exhibit 19, Staff Report, pages 3, 17, and 18.*
6. Three written comments concerning the preliminary plat application were submitted to the City during the public comment period. Daniel Spiers expressed questions and concerns about the proposal's potential erosion and landslide impacts and about the proposal's compliance with the Central Issaquah Plan, the City's tree preservation ordinance, and the City's site ordinance. City staff responded that steep slopes are not present in the areas where development would occur, that the subject parcel is not located within the Central Issaquah Plan boundary, and that the proposal exceeds the minimum tree-retention requirement. Lauren Balisky, on behalf of King County Parks, requested dedication of an easement to allow for future trail development. City staff responded that the Applicant would work with King County in coordination with the City to establish an access easement. Matt Pommer, owner of a greenhouse and nursery business adjacent to the site, requested that streetlights and other permanent light fixtures be designed to avoid light flooding onto adjacent parcels and that fencing and parking be designed to limit individuals from walking onto adjacent parcels. City staff responded that lighting would be required to meet applicable standards and would be reviewed for compliance during the construction permit phase. City staff further responded that the Applicant was not proposing driveways or drive aisles that would provide access to surrounding parcels. *Exhibit 14; Exhibit 18; Exhibit 19, Staff Report, pages 19 and 20.*

¹ The subject property is identified by Tax Assessor Parcel No. 2924069041. The Preliminary Plat Title Sheet includes a legal description of the property. *Exhibit 1, a; Exhibit 19, Staff Report, page 1.*

² Because the City authorized the execution of a DA for this property, the City determined that the proposed project is vested to the land use ordinances, policies, and regulations, including the critical area regulations, in place at the time the DA was executed.

State Environmental Policy Act

7. As noted in the background finding, in 2016, the City Council passed and approved a DA for this property. Resolution No. 2016-20 notes that review required by the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, resulted in a Mitigated Determination of Nonsignificance (MDNS) being issued on July 15, 2016. The DA notes that the City would review the preliminary plat and that additional SEPA review would be required to include evaluation of critical area impacts, traffic, and other applicable SEPA elements. The City acted as lead agency and analyzed the environmental impacts of the proposed preliminary plat as required by SEPA and the DA. The City reviewed the Applicant's environmental checklist and other available information and determined that, with mitigation measures, the proposal would not have a probable significant adverse impact on the environment. These mitigation measures include:
- Ensuring impacts to critical area buffers caused by the bridge and pedestrian trails are mitigated in accordance with the King County Mitigation Guidelines.
 - Approval by the City of final critical area and associated buffer enhancement plans prior to construction permits being issued, including a planting plan and a 5-year monitoring/maintenance plan with performance standards.
 - Ensuring tree protection measures are in place prior to any construction or demolition activities.
 - Having trees retained along the edge of clearing limits be evaluated after rough clearing and grading, to ensure no hazard trees exist.
 - Ensuring enhanced treatment of all stormwater runoff from pollution generating impervious surfaces occurs.
 - Limiting soil disturbing activities within the 100-year floodplain to summer low-flow months only to avoid incidental impacts to stream habitat or fish.
 - Obtaining a cultural resources assessment prior to demolition of existing structures.
 - Ensuring impacts to public services and bicycle and pedestrian facilities are mitigated, through voluntary payment of mitigation fees.

Exhibit 5.

8. The City issued a Mitigated Determination of Nonsignificance (MDNS) on January 10, 2020, with a comment and appeal deadline of January 31, 2020. The City received one written comment that expressed concerns about critical area buffers and that requested that exterior construction work be limited to the dry season due to erosion impacts affecting fish habitat in Tibbetts Creek. The MDNS, however, was not appealed. *Exhibit 4; Exhibit 5; Exhibit 19, Staff Report, page 17; Exhibit 21.*

Comprehensive Plan, Zoning, and Surrounding Property

9. The property is located in the "Single Family - Suburban Estates" (SF-E) zone of the Tibbetts Creek subarea, and designated "Low-Density Residential: under the City

Comprehensive Plan. The primary purpose of the SF-E zone is “to provide for single family neighborhoods and hobby farms in a setting of larger lots, while protecting environmentally critical areas, including but not limited to, wetlands, steep slopes, flood hazard areas, etc.” Property to the north is developed with single-family residences and a retail nursery business, Squak Mountain Greenhouses & Nursery. Property to the south and east is developed with single-family residences. Property to the west consists of privately-owned open space. *IMC 18.06.100.B. Exhibit 19, Staff Report, pages 3 and 4.*

10. The property has been approved to use the cluster housing development standards of IMC 18.07.420.C.³ The DA contains a vesting provision providing that the property may be developed in accordance with the substantive land-use ordinances, policies, and regulations in effect when the DA was executed on December 19, 2016, including zoning and environmental regulations and policies. *Exhibit 2; Exhibit 4; Exhibit 19, Staff Report, page 4.*
11. Development standards in the SF-E zone provide a maximum density of 1.24 units per acre, a 35,000 square foot minimum lot size, a 30-foot front setback, 15-foot side setbacks, a 30-foot rear setback, 30 percent impervious surface, 70 percent pervious surface, a 30-foot base building height, and a 135-foot minimum lot width. *IMC 18.07.360 (District standards table.1).* Under the cluster housing development standards of IMC 18.07.420.B.1, however, the minimum lot size and width requirements do not apply to lots within the cluster. Additionally, setback requirements apply only to the exterior site boundaries, and pervious and impervious surface requirements apply to the gross site, prior to subdivision or other actions, with no minimum requirements for the individual lots. *IMC 18.07.420.B.4.c and d.* Additionally, cluster housing development standards require a minimum 15 percent of the net site area as common usable open space. *IMC 18.07.420.B.4.b. Exhibit 19, Staff Report, pages 4 through 7.*

Existing Conditions

12. The 21.94-acre site is located east of the intersection of NW Talus Drive and SR 900. A majority of the site is undeveloped and consists of tree stands and pastures. Tibbetts Creek bisects the site from north to south. The western half of the site once contained a single-family residence and several agricultural buildings. Apart from a barn, the buildings on the site were demolished in late 2018 after approval of a demolition permit. The undeveloped portions of the western portion of the site are pastured areas comprised of a mix of grasses. The topography on the western portion of the site slopes down in the northeast direction between 5 to 10 percent. The eastern portion of the site is undeveloped and consists of native forested vegetation. The topography of the eastern portion of the site slopes downward to the west approximately 25 percent. Six wetlands

³ Under IMC 18.07.420.C.3, the DA may deviate from the underlying district standards identified in the Land Use Code, but density and permitted uses cannot differ from the underlying zoning standards.

and three streams are present on or near to the site. *Exhibits 1 through 3; Exhibits 7 through 9; Exhibit 19, Staff Report, page 4.*

Proposed Development

13. The Applicant proposes to subdivide the property into 20 single-family residential lots under cluster housing development standards, with on-site and off-site guest parking; a private internal two-lane road providing access from SR 900 that would bridge Tibbetts Creek to four lots on the eastern portion of the site; a circular woonerf (a traffic-calming roadway designed to reduce or slow the flow of traffic), providing pedestrian and vehicle access from the internal road to several lots on the western portion of the site; and two open-space tracts. Consistent with the DA and IMC 18.07.420.C.1.c, two of the lots would be deed-restricted for affordable housing units. An agreement between the City and the Applicant would be established to allow the Applicant to build and sell the affordable housing units, and the Applicant would coordinate with City staff and A Regional Coalition for Housing (ARCH) to comply with affordable housing requirements that include the location, tenure, size, occupancy availability, and pricing of the affordable housing units. The 20 dwelling units proposed for the site would be within the maximum allowed under IMC 18.07.360 when applying a 50 percent density credit for the 51 percent (11.27 acres) of critical areas and buffers present on the site under IMC 18.10.450. The proposed lot sizes vary between 2,841 and 17,412 square feet, and there is no minimum lot-size requirement for individual units within the cluster housing development. *IMC 18.07.420.B.1.* City staff determined that the proposed subdivision would meet minimum setback requirements, which, under cluster housing development standards, apply only to the exterior site boundaries and not to individual lots. The proposed setbacks would be reviewed further during the construction permitting process. Pervious and impervious area requirements apply to the overall development and not to individual lots within the cluster development. City staff indicated, however, that information about how impervious surface would be distributed to each lot would be required for the City's review of individual building permits. Compliance with pervious/impervious surface requirements would be reviewed during the construction permit process. *Exhibit 1; Exhibit 2; Exhibit 4; Exhibit 19, Staff Report, pages 2 and 7 through 8.*

Critical Areas

14. Under the DA, the project is vested to critical area regulations in effect prior to December 28, 2016. The site contains approximately 11.27 acres of critical areas that include wetlands, streams, steep slopes, and associated buffers, which would be placed in a Native Growth Protection Easement (NGPE) to ensure protection of the critical areas in perpetuity as required under IMC 18.07.420.B.4.a. Of the remaining 10.67 acres of developable land, the Applicant proposes to develop only 4.41 acres. The remaining 6.26 acres of developable land would remain undeveloped and preserved in an NGPE to maintain forest function. All open-space tracts would be owned in common by the

subdivision and would be encumbered by the NGPE. *Exhibit 1; Exhibit 4; Exhibit 19, Staff Report, page 11.*

15. Wetland Resources, Inc., prepared a Critical Area Study & Buffer Mitigation Plan (CAS), for the Applicant, revised July 11, 2019. The site contains, or is in close vicinity to, six wetlands, Wetlands “A” through “F,” and three streams, including Tibbetts Creek and Streams “A” and “B.” No other critical areas are within or adjacent to the site. Wetland A is a small slope wetland located north of the proposed private road along the edge of SR 900. Wetland A is classified as a Category IV wetland requiring 40-foot buffers. The Applicant proposes to expand the entryway approximately 10 feet further into the buffer for construction of a retaining wall, two 10-foot travel lanes, a 5-foot sidewalk, and a 5-foot landscape strip. The new roadway would decrease the buffer to Wetland A and would encroach into more than 25 percent of the critical area buffer. The Applicant proposes to mitigate impacts by adding new buffer area and enhancing the existing buffer. Wetlands B, C, D, and E are each classified as Category III wetlands requiring 50-foot buffers. Wetland B is a depressional wetland in the northeast corner of the site that extends north off-site. Wetland C is a depressional wetland associated with Tibbetts Creek and is near the northern parcel line on the west side of the creek. Wetland D is a small depressional wetland on the east side of Tibbetts Creek and is near the northern boundary of the site. Wetland E is a linear slope wetland on the southeastern portion of the site. The Applicant proposes to construct Lots 15 and 16 between Wetlands B and C, which would encroach into portions of the wetland buffers. To mitigate impacts, the Applicant proposes buffer averaging and adding new buffer area. Wetland F is classified as a Category II wetland requiring 75-foot buffers. The proposed development would encroach into part of the buffer. The Applicant proposes using buffer averaging to reduce the buffer. *Exhibit 1; Exhibit 4; Exhibit 9; Exhibit 19, Staff Report, pages 10 through 12.*
16. All three streams on the site are classified as Class 2 salmonid-bearing streams requiring 100-foot buffers. Stormwater outfalls of Lots 8, 9, 10, 11, and 16 would encroach into the Tibbetts Creek stream buffer. IMC 18.10.775 provides that stormwater facilities not encroach into stream buffers by more than 25 percent of the standard stream buffer width. City staff determined that the Applicant’s preliminary stormwater plans would comply with City code but that the City would review the plans in more detail during the construction permit phase. Streams A and B are tributaries to Tibbetts Creek and are located on the southern end of the parcel. Stream A flows from the west to the east, and Stream B enters the site from the east and flows west to Tibbetts Creek. The proposed development would have a minimal impact on the Stream A buffer. To mitigate impacts, the Applicant proposes to average the buffers of Tibbetts Creek and Stream A. The proposal would not impact Stream B and its associated buffer. The pedestrian trail required under the DA is proposed to be located in critical area buffers, but its final location has not been determined, and its impacts have not yet been addressed. IMC

18.10.610.B allows for the construction of trails within a wetland buffer if a CAS documents no loss of buffer functions and values. *Exhibit 1; Exhibit 4; Exhibit 9; Exhibit 19, Staff Report, pages 10 through 12.*

17. The City's third-party consultant reviewed the CAS, agreed with the CAS conclusions, and confirmed that the proposed buffer alterations comply with City code and would not adversely impact the function or value of the critical areas. City staff also agrees with the assessment and concludes that the proposal complies with City code. The City would provide a more detailed review of the proposed mitigation measures during the construction permit phase. *Exhibit 19, Staff Report, page 13.*
18. The project site contains a Special Flood Hazard Area (SFHA) around Tibbetts Creek. The project's proposed access road, bridge over Tibbetts Creek, and stormwater outfalls would be within the SFHA. City staff indicates that staff continue to discuss bridge design specifics with the Applicant and that the final bridge design should demonstrate: (1) spans outside the ordinary high-water mark; (2) adequacy for high flows; (3) that the bridge would meet the required minimum clearance of 3 feet above the 100-year flood water surface; (4) that the bridge would not encroach into the 100-year floodplain, unless the design demonstrates the structure would cause "No-Rise" in base flood elevation; (5) that bridge length would account for lateral channel movement that would occur in the bridge's life; (6) that the bridge design would prevent excessive backwater rise during floods that might lead to scour of the stream within the waterway or deposition of sediment upstream; and (7) the quantity of enhancement plantings relative to stream buffer impact. Any required flood conveyance and/or storage related mitigation would be determined under the Flood Hazard review process. *Exhibit 19, Staff Report, pages 11 and 12.*

Stormwater

19. Under the DA, the project would be required to comply with the 2009 King County Surface Water Design Manual (KCSWDM) and the 2011 City of Issaquah Surface Water Design Manual addendum. Runoff from impervious surface areas would be required to conform to the Conservation Flow Control Standard. Additionally, runoff to Tibbetts Creek from pollution-generating impervious surface areas would require the Standard Sensitive Lake Water Treatment. Core Design, Inc., prepared a preliminary Technical Information Report (TIR) for the Applicant, dated September 19, 2018. Runoff from the site currently sheet flows toward Tibbetts Creek, which is located at the center of the site. All area on the site is tributary to Tibbetts Creek. The Creek ranges from five to eight feet wide, on average, and up to six inches deep, with no observable signs of erosion or significant sedimentation. The Applicant would comply with storm flow control and treatment requirements through a combination of detention/treatment vaults, bioretention, infiltration, and dispersion techniques. The project site is delineated into two sub-basins, one for the developed area west of the creek and one for the

developed area east of the creek. A detention vault would collect and treat stormwater for each sub-basin to meet flow-control and water-quality requirements. The detention vault for the east basin would be located under the roadway on the east side of the bridge and would collect stormwater runoff from the roadway east of the creek and from some roadway west of the creek. The four lots on the east side of the creek would be mitigated for flow control using full infiltration and dispersion. The detention vault for the west basin would be located north of Lot 14 and would collect stormwater runoff from the remaining roadway and lots on the west side of the creek. Each detention vault would discharge into the creek in a manner preserving the natural discharge location of the site. The preliminary TIR concluded that the proposed stormwater facilities would comply with applicable performance standards of the 2009 KCSWDM and the 2011 City addendum, and that the proposed water-quality treatment system would comply with the requirement of the Sensitive Lake Water Quality Protection Menu. Discussions between the Applicant and the City about compliance with City code requirements for the proposed stormwater control design are still ongoing. The City recommends as a condition of approval that the Applicant be required to locate stormwater facilities outside of all floodplain and other critical areas and that the Applicant be required to have stormwater facilities evaluated by a geotechnical professional to ensure compliance with City code. City staff indicated that additional soil and groundwater level testing would be required prior to issuance of construction permits and, if infiltration is found to be infeasible in certain areas, other stormwater flow-control and treatment options may be designed for the site. City staff further indicated that the proposed storm conveyance system must be designed with enough capacity to convey and contain runoff from the site and that all on-site stormwater facilities must be privately maintained. *Exhibit 1; Exhibit 4; Exhibit 8; Exhibit 19, Staff Report, page 16.*

Access, Frontage, and Parking

20. Access to the site would be provided from the intersection of NW Talus Drive and SR 900 by a private, internal two-lane road that would bridge Tibbetts Creek to the four lots on the eastern portion of the site. The existing signal at the intersection would have to be modified to provide access from across SR 900. City staff indicated that it is reviewing projects located west of SR 900, that work on the separate projects must be coordinated to ensure that traffic signal modifications are suitable, and that adequate signal alterations must coincide with the developments to prevent traffic congestion. The Applicant is required under IMC 18.07.081 to provide safe nonmotorized accessible passage to and from the site. The Applicant would be required to coordinate with City staff and the Washington State Department of Transportation to make frontage improvements providing pedestrian and bicycle access along SR 900. These frontage improvements would be required to be in place prior to occupancy of the 10th single-family home. The Applicant requested four deviations from street standards applicable to the project's proposed internal roads and frontage improvements, which the City engineer or designee has authority to approve after consultation with affected City departments. City staff

indicated that all of the Applicant's deviation requests were reviewed, deemed to meet applicable criteria, and approved by the City following interdepartmental review. City staff described the approved deviation requests as follows:

- Road A: Primary access to the site would be gained from a new privately-owned street, which connects to SR 900, meanders through the site, and provides access to four lots on the east side of Tibbetts Creek. All interior roads within the development should be designed to City Street Standard Details No. T-11 Typical Public Local Access Street. The Street Standard consists of two 10-foot travel lanes with one 5-foot sidewalk and one 5-foot planting bed on each side of the road. The Applicant is proposing to construct two 10-foot travel lanes, with a 5-foot sidewalk and a 5-foot planter along only one side of the road; this deviation has been approved by the City. The request is intended to reduce impacts to adjacent critical areas and associated buffers by reducing the road encroachment while maintaining the 20-foot wide travel lane needed for emergency vehicle access.
- Road A Bridge Crossing: Road A is shown extending over Tibbetts Creek by a bridge, along with a new outfall to the creek (after detention and treatment). The bridge would provide pedestrians and vehicles access to Lots 17-20 and act as a connection point for the Regional Trail. The road section, which can be viewed on sheet C4.31, would consist of two 10-foot travel lanes, a 5-foot sidewalk on one side, and two concrete traffic barriers on each side of the road, which is also a deviation from City Street Standard Details No. T-11. The bridge would be owned and maintained by the homeowner's association. The Applicant requested eliminating the planter strips and one sidewalk to reduce road width and lessen the impact to the critical area and associated buffer, which the City approved. The bridge and new outfall are proposed within a portion of the stream channel. Therefore, the project would require Hydraulic Project Approval (HPA) from the Washington State Department of Fish and Wildlife (WDFW), per state WAC220-660-040.
- Woonerf: In addition to Road A, the proposal shows a road providing access to Lots 1-13. The Applicant has requested a deviation from the Street Standards to construct a woonerf, which has been approved administratively. Woonerfs are designed to accommodate vehicles but emphasize pedestrian use. Code regulating woonerfs can be found in the Talus Replacement Regulations. The City Street Standards do not discuss woonerfs, but the Talus Urban Village that is located across SR 900 includes woonerf standards, which the Applicant requested to use for this project. The Applicant is proposing to construct two 10-foot travel lanes at grade with an 8-foot wide parking stall area on one side of the road. Driveways would connect to the woonerf. The approved deviation allowed for the use of the Talus woonerf standard outside of the Urban Village.
- SR 900 Improvements: The development is only showing frontage improvements along the south side of the entryway. Frontage improvements north of the

entryway have been waived by the City because of the cantilevered bridge and pedestrian safety as a result of limited sidewalk along the east side of SR 900. The Applicant would be required to provide a sidewalk and landscape strip south of the entry road. These improvements shall consist of curb, gutter, landscape, and sidewalk.

Exhibit 1; Exhibit 2; Exhibit 19, Staff Report, pages 8 and 14 through 16.

21. Under the DA, the Applicant is required to provide the City with a 20-foot-wide, relocatable recreational trail easement through the homeowner's association owned open space. The easement would be for a regional trail connecting SR 900 to the eastern boundary and connecting Lake Sammamish to the Cedar River Trail and to the northern and southern boundaries. Most of the recreational trail would be used exclusively by nonmotorized users through and across the site, and it would be exclusive to pedestrians, except where the trail converges to the interior road to allow pedestrians to use the bridge. The Applicant would be required to provide transitions to and from the right-of-way development and future trail locations. Additionally, because the interior road and bridge would be privately owned, the Applicant would be required to provide an access easement to the City for public use of the road and bridge. *Exhibit 1; Exhibit 4; Exhibit 19, Staff Report, pages 8 and 9.*
22. Under the DA, the Applicant is required to provide a minimum of two on-site parking spaces for each individual lot. If on-site parking would be provided on driveways, the driveways must be at least 20 feet in length under IMC 18.09.090. The Applicant has proposed six parallel guest parking stalls along the park side of the woonerf. The layouts, locations, and quantities of the remaining on-site parking spaces would be reviewed during the construction permitting process. Although the project has not yet been reviewed for compliance with parking requirements under the DA and applicable City code, Applicant representative Leo Suver testified that each of the 16 housing units on the east side of the site would have a two-vehicle garage and space for two additional vehicles in the driveway, with the exception of the two affordable housing units, which would have a one-vehicle garage and space for one additional vehicle in the driveway. Mr. Suver also testified that the four housing units on the east side of the site would have three-vehicle garages, with additional parking space available in the driveways. *Exhibit 1; Exhibit 19, Staff Report, pages 10 and 11; Testimony of Mr. Suver.*

Traffic

23. Transportation Engineering Northwest (TENW) conducted a limited study to determine traffic impacts of the proposed project. TENW concluded that a full buildout of the subdivision as proposed would generate an estimated net increase of 179 daily trips, 14 AM peak hour trips, and 19 PM peak hour trips. TENW also concluded that the estimated 600-foot sight distance at the SR 900/NW Talus Drive intersection would exceed the minimum required under the City's 2010 Street Standards. City staff

reviewed TENW's analysis and agreed with its conclusions. The Applicant submitted a transportation concurrency application. City staff determined that the number of vehicle trips falls within available citywide capacity and that the proposal is consistent with concurrency codes. Traffic impact fees would be required and would be calculated at the time of issuing building permits for each residential unit. *Exhibit 11; Exhibit 12; Exhibit 19, Staff Report, pages 14 and 19.*

Tree Retention, Landscaping, and Open Space

24. Subdivisions in the SF-E zone must retain a minimum of 30 percent of the total caliper of existing significant trees outside of critical areas and buffers. The site contains 10.67 acres of developable land outside critical areas and buffers, of which 6.26 acres would remain undeveloped and preserved in an NGPE. Lonnson Arbor Care prepared a tree report and inventory for the site and determined that the proposed removal of 1,552.2 diameter inches of trees would leave approximately 71.4 percent of the total caliper of existing significant trees to be retained outside of critical areas and buffers. Additionally, each individual lot must maintain a minimum tree density of two significant trees per 5,000 square feet. The Applicant proposes to install around 100 trees in the 4.41-acre developed site area. City staff determined that the proposal would meet tree-density requirements but that a more detailed review would occur after the Applicant submits a landscape plan, under IMC 18.07.420.B.5, which is required prior to issuance of building permits. *Exhibit 10; Exhibit 19, Staff Report, page 11.*
25. IMC 10.07.420.B.4.b requires cluster housing developments to have a minimum of 15 percent of the net site area as common usable open space. City staff determined that the Applicant would have to provide approximately 1.47 acres of common usable open space to strictly comply with this requirement. City staff considers this requirement to be out of proportion and an unfair burden on the Applicant, however, given that the Applicant proposes to develop only 4.41 acres of the available developable land while preserving 6.26 acres of the developable land in a NGPE. City staff notes that the placement of developable land in a NGPE benefits the community and natural environment, and therefore the staff proposes that the Applicant provide 15 percent of only the 4.41 acres of land that would be developed as common usable space. Under this proposed calculation, the Applicant would be required to provide 0.66 acres of common usable open space. The Applicant proposes to provide usable open space through areas dispersed throughout the development by way of tracts and trails, with all open-space tracts located on the west side of the development. Specifically, the Applicant proposes the following as common usable open spaces:
 - Tract B: Tract B is approximately 9,050 square feet and is surrounded by Lots 1-13. According to the preliminary landscape plan, Tract B would be an open grass area surrounded by trees.
 - Tract C: Tract C is located across from Lot 1 on the northern end of Road A and is under 1,000 square feet. The Preliminary Landscape Plan on Sheet L2.01

shows Tract C as being entirely vegetated with native shrubs, which makes this space unusable.

- Tract D: Tract D is located to the north of Lot 14 and is providing approximately 3,715 square feet of usable open space for recreational use. This tract would also house a below-ground detention vault. A design for Tract D has not yet been proposed.

City staff determined that the Applicant's proposed design and uses of Tracts C and D would not meet the definition of common usable open space and, thus, recommend, as a condition of approval, that the Applicant redesign the tracts to create accessible recreational opportunities for the development. City staff also determined that the proposed open-space tracts B, C, and D, alone, would not fulfill the required 0.66 acres but that the requirement would be met if the Applicant constructs at least 2,997 linear feet of the recreational trail required under the DA. *Exhibit 19, Staff Report, pages 1 through 12.*

Utilities and Services

26. The City would provide water and sewer utilities. Water would be supplied by a looped water main with connections to the City water system within SR 900. An access easement would be required to allow the City to service and maintain public utilities on the site. The Applicant's proposed design for water meters would be reviewed during the construction permitting phase. A preliminary geotechnical study was completed for the site that revealed that some challenging site conditions would likely be encountered during sewer pipeline design and construction, including high groundwater levels, potentially weak soils with low bearing capacities, and site liquefaction during an earthquake. City staff indicates that the Applicant's proposed sanitary sewer plan appears to be feasible and in compliance with applicable standards, but that the proposal would be reviewed in greater detail with the "Site Work Permit." *Exhibit 19, Staff Report, pages 1 through 13.*
27. City Land Development Manager Lucy Sloman testified that the proposed subdivision would be served by Issaquah Valley Elementary, Issaquah High School, and Talus Middle School when it begins operation in 2021. Ms. Sloman further testified that safe walking routes to the schools or school bus stops would be provided. Fire, school, and park impact fees would be required and would be calculated at issuance of the building permits for each residential unit. *Exhibit 1; Exhibit 7; Exhibit 19, Staff Report, pages 16 through 19; Testimony of Ms. Sloman.*

Testimony

28. City Associate Planner Valerie Porter testified generally about the application, the history of the project site, and how the proposal would comply with the requirements for approval of a subdivision under the municipal code and state law. In particular, Ms. Porter noted that the Applicant received an administrative deviation from City street

standards to create a woonerf, which would provide a shared circular pedestrian, vehicle, and guest parking path fronting several of the western lots, and explained the open-space requirements under cluster housing standards and how strict application of the standard to the net site area would be disproportionate to the Applicant. Ms. Porter stated that the City recommends applying the standard to only the developable site area, resulting in 0.66 acres of required open space for the project. She noted that the project would meet the open-space requirement in part by constructing a five-foot-wide neighborhood pedestrian trail connecting regional trails in the area, with details to be worked out with the City Council prior to development. *Testimony of Ms. Porter.*

29. City Development Services Senior Engineer Denise Pirolo testified that the City no longer issues water and sewer availability certificates because water and sewer services are available everywhere in the City. She explained that water and sewer connections are available at the intersection of SR 900, and the site's entrance road and would adequately provide water and sewer services to the site. *Testimony of Ms. Pirolo.*
30. Applicant Representative Leo Suver testified generally about the application. He clarified that each of the 16 housing units on the east side of the site would have a two-vehicle garage and space for two additional vehicles in the driveway, with the exception of the two affordable housing units, which would have a one-vehicle garage and space for one additional vehicle in the driveway. Mr. Suver stated that the four housing units on the east side of the site would have three-vehicle garages, with additional parking space available in the driveways. He noted that the deed-restricted affordable housing units would be built to A Regional Coalition for Housing (ARCH) standards and would be located on lots one and two of the plat. Mr. Suver stated that the issues raised in Connie Marsh's written comment have been addressed or will be worked out with City staff. He noted that the project would employ low-impact development techniques and would comply with stormwater requirements. He also noted that the project would comply with water-quality treatment standards for water entering critical areas. Mr. Suver noted that the final design for the vehicle/pedestrian bridge crossing Tibbetts Creek would be submitted to City staff for further review. *Testimony of Mr. Suver.*

City Staff Recommendation

31. Ms. Porter testified that City staff determined that, with conditions, the proposal would be consistent with the Issaquah Comprehensive Plan, Issaquah Land Use Code, and other application development regulations, including Chapter 18.13 IMC (Subdivision Code) and RCW 58.117.110 (Washington State Subdivision Code) and would provide appropriate provisions for the public health, safety, and general welfare. City staff recommend approval of the preliminary plat. *Exhibit 19, Staff Report, page 20.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has authority to hear and approve, conditionally approve, or disapprove the preliminary plat request after review of the preliminary plat, the administration's recommendation, testimony, and exhibits submitted at the public hearing. The Hearing Examiner makes the final decision on preliminary subdivisions. *Issaquah Municipal Code (IMC) 18.03.060.B; 18.03.170; 18.04.490.C.1; 18.13.140.A.*

Criteria for Review

Preliminary Plat

Preliminary plat proposals are reviewed through the Modified Level 4 review process and must comply with all the standards and criteria set forth in Chapter 18.13 IMC. *IMC 18.04.480 and 18.04.490.C.1.*

The standards and criteria regarding preliminary plats set forth in Chapter 18.13 IMC are established to promote the orderly and efficient division and re-division of land within the city, to avoid placing undue and unnecessary burdens on both the Applicant and the City, and to promote the public health and general welfare, complying with the provisions of Chapter 58.17 RCW. The criteria for review of a preliminary plat are set forth in RCW 58.17.110(2), as follows:

A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that:

- (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
- (b) The public use and interest will be served by the platting of such subdivision and dedication.

RCW 58.17.110(2).

Prior to any approval of the preliminary plat, all minimum street and utility improvements, or reasonable conditions deemed necessary to fulfill the purpose of the subdivision code, shall be specified by the Hearing Examiner, and the Applicant shall be advised of such. *IMC 18.13.140.B.*

In addition, the property's development is governed by the provisions outlined in the approved cluster housing Development Agreement and the District Standards. *IMC 18.07.360.*

The criteria for review adopted by the Issaquah City Council are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions Based on Findings

- 1. With conditions, appropriate provisions would be made for open spaces, drainage ways, streets, transit stops, potable water supplies, sanitary wastes, parks and recreation, schools and school grounds, and all other relevant facts.** The property is in the SF-E zone of the Tibbetts Creek subarea and has been approved to use cluster housing development standards as provided in the DA. The cluster housing standards promote maximum allowable density, while preserving critical areas through lot-size reduction; provide more common usable and native forested open space; encourage affordable housing through smaller lots; and provide efficient arrangement of structures for providing services and infrastructure. The 11.27 acres of critical areas and buffers present on the site, which include six wetlands and three streams, would be preserved in an NGPE to ensure the critical areas are protected in perpetuity. An additional 6.26 acres of developable land would also be placed in an NGPE to maintain forest function. Because the Applicant proposes to develop only 4.41 acres of the 10.67 acres of developable land on the site, while preserving the remaining 6.26 acres in a NGPE, strict compliance with the cluster housing usable open-space requirement would create a disproportionate burden on the Applicant. A more equitable application of the standard entails applying the 15 percent usable open-space requirement on only the 4.41 acres of property to be developed, an approach with which the Hearing Examiner concurs. With conditions, the Applicant would meet this open-space requirement through development of tracts and a recreational trail that would link with regional trails in the area. The Applicant would exceed the tree-retention requirement for significant trees outside of critical areas and buffers: compliance with individual-lot, minimum tree-density requirements would be reviewed after the Applicant submits a landscape plan prior to issuance of building permits. The Applicant would control stormwater runoff through a combination of detention/treatment vaults, bioretention, infiltration, and dispersion techniques prior to water discharging stormwater into Tibbetts Creek. The Applicant would be required to locate stormwater facilities outside of all floodplains and other critical areas and would be required to have stormwater facilities evaluated by a geotechnical professional to ensure compliance with City code. As proposed, the Applicant's preliminary stormwater plans would encroach into the Tibbetts Creek stream buffer. The project's stormwater plans would be reviewed in more detail, however, during the construction permitting phase to ensure compliance with City code. Public water and sewer service is available for the development. The Applicant would provide vehicular access to the 20 residential housing units from an internal, private two-lane road connecting to the intersection of NW Talus Drive and SR 900. The road would

bridge Tibbetts Creek to provide access to the four residential housing units on the east side of Tibbetts Creek. A circular woonerf would provide vehicular access to several of the units on the west side of the property. The private access road and bridge over Tibbetts Creek would be within a Special Flood Hazard Area around Tibbetts Creek, and the Applicant continues to work with City staff on a final bridge design. Any required flood conveyance and/or storage related mitigation would be determined under the Flood Hazard review process. The Applicant would be required to coordinate with WSDOT to provide frontage improvements along SR 900 and would be required to implement the frontage improvements prior to occupancy of the 10th building permit. The Applicant would be required under the DA to provide a minimum of two on-site parking spaces for each residential unit, and compliance with the requirement would be reviewed during the construction permitting phase. Safe walking paths to schools or school bus stops would be provided. Transportation, fire, school, and park impact fees would be required and would be calculated at the time of issuing building permits for each residential unit. As detailed below, conditions are necessary to ensure the proposal complies with all local, state, and federal requirements related to approval of a preliminary plat. *Findings 1-3, 5-31.*

2. **With conditions, the public use and interest would be served by the proposed preliminary plat.** The City provided adequate notice and opportunity to comment on the request. The City reviewed the proposed plat and issued an MDNS, with conditions to mitigate potential significant adverse impacts; the MDNS was not appealed. The preliminary plat would provide single-family, cluster housing residential development consistent with applicable development regulations. City staff determined that, with conditions, the proposal would be consistent with all applicable City, county, and state requirements, including the applicable Comprehensive Plan, municipal code, and development standards. The public interest would be served by the platting of the subdivision. As noted above in Conclusion 1, conditions are necessary to ensure that the proposal meets all criteria required for plat approval. *Findings 1-31.*

DECISION

Based on the preceding findings and conclusions, the request for a preliminary plat to subdivide 21.94 acres into 20 single-family residential lots on the east side of the intersection of NW Talus Drive and Renton-Issaquah Road (SR-900) is **APPROVED**, subject to the following conditions:⁴

1. Upon submittal of the final plat, an impervious surface table must be submitted to the City for review and approval, which shows the maximum square footage of impervious surface allowed and its allotment to lot as well as in common tracts such as street, trails, and park spaces. This document must also demonstrate how the proposal does not

⁴ These conditions designed to mitigate impacts of this proposed project as well as conditions required by City code.

exceed the impervious surface limitation for the site. All Building Permits for each individual lot must identify the total amount of impervious surface being proposed in the permit as well what allotment is provided for future construction, if any, consistent with the approved table in the final plat. The table will be reviewed with the final plat and construction permits for each lot and tract.

2. Per the Development Agreement, the Owner shall record a deed restriction or covenant by which the two affordable housing parcels shall only be made available for (a) Affordable Housing, as defined in IMC 18.21.020 or, (b) housing for persons with disabilities; the choice between the options is solely at the discretion of the City. The Applicant shall work with A Regional Coalition for Housing (ARCH) and City staff to write and record a deed restriction or covenant to implement this aspect of the Development Agreement prior to approval of the final plat.
3. The final plat shall show a non-motorized access easement granted to the City to allow for public use of the private bridge to gain access to the future trails. Maintenance of the easement area is the responsibility of the HOA. The easement language and location will be reviewed with final plat.
4. The final plat drawings shall show a relocatable easement for the Regional Trail that will connect east-west (SR 900 to the eastern boundary and King County's Cedar-to-Sammamish Rivers Trail) and north-south (between the property's north and south boundaries). The easement will be granted to the City, though the trail will be maintained by the HOA. This will be reviewed and approved by City Council prior to submittal of the final plat.
5. With submittal of the Site Work Permit, the design of HOA owned tracts shall be revised to provide at least 15% of the developable area (approximately 0.66-acres) as common usable open space. This may include, but is not limited to, trails, picnic areas and other recreation areas. The final plat will indicate which tracts include recreation as an allowed use for future reference.
6. To comply with the common usable open-space requirement, the Applicant must construct a portion of the Regional Trail connection. The Applicant would be responsible for enough trail length to complete the common usable open-space requirement. The City will review and approve the trail location, width, and construction material for compliance with applicable Codes. This will be reviewed with the Site Work Permit.
7. Adequate wayfinding signs must be installed throughout the development to identify the presence of the trail. This will be reviewed with construction permits. If signs are to be located on individual lots, easements to the City for the sign location on private property

and to the Homeowner's Association for their maintenance and replacement will be required.

8. On-site driveways shall be at least 20-feet in length or more, where driveway parking is allowed.
9. A final landscape plan must be submitted for City review and to demonstrate the project's compliance with various Code provisions. This will be reviewed with the Landscape Permit.
10. Certain authorized activities may be allowed to impact the critical area buffers. Prior to issuance of building occupancy of the 16th unit, grading or construction impacts to adjacent critical area and associated buffers must be restored (i.e. installed and accepted).
11. The final plat must identify use, ownership, and maintenance responsibilities for all tracts and easements including NGPEs.
12. An approved Flood Hazard Permit is required prior to issuance of construction permits, except a Demolition Permit.
13. The bridge over Tibbetts Creek must demonstrate compliance with the Washington Department of Fish and Wildlife (WDFW) Water Crossing Design Guidelines, FEMA floodplain guidelines, Critical Area Code, and any other applicable regulations and standards. The bridge will require a Building Permit, but the bridge design must be submitted with the Site Work Permit for site infrastructure, which will be when compliance with this condition will be confirmed.
14. A Hydraulic Project Approval (HPA) from the Washington State Department of Fish and Wildlife (WDFW) is required for the proposed pedestrian and vehicular bridge over Tibbetts Creek and new storm outfall to the creek. The HPA must be submitted to the City for review prior to issuance of Flood Hazard and Site Work Permits.
15. The woonerf shall meet the requirements outlined in the Talus Replacement Regulation under IMC 18.19C.250 Woonerf Standards. Road sections will be reviewed in detail with the Site Work Permit and any provisions relating to easements or other non-construction elements will be reviewed with Final Plat.
16. The existing signals at NW Talus Drive and SR-900 must be modified by the owner to accommodate access to the subdivision. Signal modifications must be coordinated with concurrent development (i.e. Talus Middle School) within close vicinity of the project site. All required SR-900 frontage improvements must be in place prior to occupancy of the 10th Building Permit. Where possible, a sidewalk and planter strip should be added to

the SR-900 frontage, south of the plat entry. The Applicant will be required to obtain the necessary WSDOT permits in addition to City construction permits. This will be reviewed with construction permits for Site Work and Building.

17. A lighting photometric plan shall be provided for the project site and right-of-way lighting. The lighting levels shall comply with IMC 18.07.107 and shall provide an adequate amount of illumination for the intended use. Staff encourages lighting to be scaled to pedestrians and not exceed 15-feet in height. Lighting shall be designed so there is no light spillover into critical areas, which is defined as 0.3 footcandles. To facilitate review of the lighting, a photometric calculation, stamped by a professional engineer, showing illumination levels on the pavement shall be submitted with the Site Work Permit for construction of lighting. A point-by-point calculation is required. The illumination calculation shall include all fixtures that contribute light to the site (poles, bollards, building mounted lighting). Low wattage decorative fixtures such as sconces or porch lights can be excluded from the calculation. No up-lighting is allowed.
18. Code compliant storm infiltration, bioretention, and dispersion elements must:
 - a. Be evaluated and supported in writing by a geotechnical professional;
 - b. Be located outside of all floodplain and other critical areas (including devices and required flow path).
19. Areas to be used for infiltration and/or bioretention of storm water must be protected from compaction and sedimentation during construction activities. If stockpiling or other construction activities occur in these areas, removal of 6-inches of sediment and loosening soils to 18-inches below the proposed grade is required prior to installation of infiltration facilities. This will be reviewed with the Site Work Permit to allow the facility's construction.
20. Infiltration trenches receiving runoff from areas other than single family roofs must be designed to meet requirements of Underground Injection Control (UIC) wells and be registered into the UIC Program (per Chapter 173-218 WAC). This will be reviewed with the Site Work Permit.
21. All internal roads will be privately owned and maintained by the HOA with access granted to the City via recorded easements where needed for utility maintenance. This will be reviewed with the final plat.
22. Clearing and grading activities must be performed during the seasonally drier period, which in Issaquah is between April 30th and October 1st. If work during the wet weather season is desired, additional geotechnical information demonstrating compliance with IMC 16.26, and in particular 16.26.050, must be provided to the City which demonstrates

work can be conducted consistent with the peer reviewed geotechnical report and City codes.

23. Special design consideration must be given to the potential for high groundwater, liquefaction and weak soils and their impacts on the on-site sanitary sewer system. The special design considerations must be summarized in a report that accompanies the sanitary sewer design and must be submitted with, or before, utility permit submittal. This condition will be enforced during Site Work Permit review and approval.
24. During utility and site construction, the existing sanitary sewer pipelines in SR-900, and any other sewer pipelines that provide service to properties other than Tibbetts Crossing, must remain in-service and operational. This will be reviewed with the Site Work Permit.
25. Additional information and review of sewer system for compliance with detailed construction level aspects such as minimum slopes and other elements of the City Sewer Standards. This will be reviewed with the Site Work Permit.
26. All sanitary sewer designs and construction must comply with existing City codes and Standards.
27. Impact and mitigation fees are required for each new single-family residence. The Applicant will receive credit for the single-family dwelling that existed on the site. The following impact fees will be required, and the applicable cost calculated at the time of issuance of the Building Permits for each residential unit: Transportation, Fire, Schools, Parks, General Government (SEPA), Police (SEPA), Bicycle & Pedestrian (SEPA).
28. The Applicant shall comply with the Mitigation measures set forth by the Mitigated Determination of Nonsignificance issued on January 10, 2020. Please see SEP18-0019 for mitigation measures.

Decided this 14th day of February 2020.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center